

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA**

In re:	*	
	*	CHAPTER 13
LESLIE MCDANIEL,	*	CASE NO. 12-41231-JTL
	*	JUDGE LANEY
Debtor	*	

LESLIE McDANIEL, Individually and as  
Representative of her Bankruptcy Estate,  
  
Plaintiff,

v.

SUNTRUST BANK, SUNTRUST  
MORTGAGE, INC., McCALLA  
RAYMER, LLC, FOXFIRE ACRES, INC.,  
THE UNITED STATES by and through  
THE INTERNAL REVENUE SERVICE,  
THE STATE OF GEORGIA  
(Represented by the DEPARTMENT OF  
REVENUE), THE GROGAN GROUP,  
LLC d/b/a GROGAN & GROGAN, and  
THE COLUMBUS CONSOLIDATED  
GOVERNMENT,

Defendants.

ADVERSARY PROCEEDING  
NO. 13-04013

**MOTION TO DISMISS OR, ALTERNATIVELY, MOTION  
FOR MORE DEFINITE STATEMENT**

COMES NOW McCalla Raymer, LLC (“McCalla Raymer”), and pursuant to Bankruptcy Rule 7012(b)(6), Fed.R.Civ.P. 12(b)(6), Bankruptcy Rule 7012(e) and Fed.R.Civ.P. 12(e), hereby moves the Court to dismiss the Adversary Proceeding filed against McCalla Raymer or, alternatively, to order Plaintiff to amend her Complaint so as to provide a more definite statement of her claims, respectfully showing the Court the following:

1.

Plaintiff filed this adversary proceeding on October 17, 2013. As to McCalla Raymer, Plaintiff has asserted four claims for relief: (1) Violation of the automatic stay of 11 U.S.C. § 362 (Count Six); (2) State law wrongful foreclosure (Count Seven); (3) State law conversion (Count Eight); and (4) State law attorney's fees and expenses (Count Nine).

2.

McCalla Raymer shows that given the factual allegations of Plaintiff's Complaint, Plaintiff cannot possibly set forth a cognizable claim against McCalla Raymer. McCalla Raymer denies that Plaintiff's complaint for damages against McCalla Raymer is a core proceeding as contemplated by 28 U.S.C. § 157, and denies that this action is sufficiently related to the above-styled bankruptcy case so as to authorize jurisdiction of this Court as to those claims. McCalla Raymer does not consent to the entry of a final judgment on the claims made against McCalla Raymer.

3.

Pursuant to Bankruptcy Rule 7012(b)(6) and Fed.R.Civ.P. 12(b)(6), this action should be dismissed as to McCalla Raymer.

4.

Alternatively, McCalla Raymer submits that Plaintiff's Complaint, as currently pled, is so contradictory, vague, and ambiguous that McCalla Raymer cannot reasonably prepare a response. In the event this case is not dismissed, McCalla Raymer submits that this Court should order Plaintiff to provide a more definite statement as required by Bankruptcy Rule 7012(e) and Fed.R.Civ.P. 12(e).

Respectfully submitted, this 9th day of December, 2013.

PAGE, SCRANTOM, SPROUSE,  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served either electronically or via U.S. Mail with adequate first class postage to the addresses below on the following persons:

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This 9<sup>th</sup> day of December, 2013.

/s Steven G. Gunby